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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,244	12/12/2003	Terence McKelvey	246576US3	9466
22850	7590	11/22/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CASAREGOLA, LOUIS J	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/733,244

Applicant(s)

MCKELVEY ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,8-12,14-17 is/are allowed.
- 6) ☒ Claim(s) 5-7,13,18-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Election***

Applicants' election of the species of Figure 4 along with corresponding claims 1-10 and 14-19 is acknowledged. The election was made with traverse. This matter is considered moot however since as indicated below, all independent claims have been found to be allowable and all species claims have consequently been examined.

### ***Claim Rejections - 35 USC 112***

Claims 5-7, 13, 18 and 19 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 5 and dependent claim 6 recite "a first subtracter operable to subtract the output value of said second processing unit from the output value of said first processing unit" (see claim 5, lines 3-4). This limitation appears to conflict with what is shown in the disclosed embodiments of the invention, which raises the question of whether applicants have properly claimed the subject matter they consider to be their invention.

The claimed subtraction feature is present in the embodiments of Figures 3 and 4, and the recited processors correspond to elements 16 and 17. The difference taken however is not between the outputs of the two respective processors as claimed, but

rather, between the outputs of processor 17 and selector 18, and the output of the latter can differ from the output of processor 16.

Claim 7 recites the selector but states that it transmits a value "to the turbine controller" (lines 4-5). This limitation likewise appears to be in conflict with the disclosed embodiments of the invention. All embodiments show selector 18 as being within (i.e. part of) turbine controller 12, hence, any signal generated by the selector cannot be transmitted to the controller since the signal is already there at its inception.

Claims 6 and 13 further recite sending or selecting "one of load request signals" (see line 2 in either claim). This language is indefinite since the claims do not describe multiple load signals which can be clearly distinguished from one another.

Claims 18 and 19 each recite a subtraction feature essentially similar to that discussed above in conjunction with claims 5 and 6, and the grounds of rejection applied to claims 5 and 6 is thus also applicable to claims 18 and 19.


### ***Allowable Subject Matter***

Claims 1-4, 8-12 and 14-17 are allowed, and claims 5-7, 13, 18 and 19 will also be allowed if appropriately amended to overcome the § 112 rejections set forth above.

**References**

Johnson et al, Rowen et al, and Mitchell et al are cited as disclosing examples of prior art gas turbine systems that include both temperature and speed control.

L. J. Casaregola  
571-272-4826 (M-F; 7:30-4:00)  
571-273-8300 FAX  
November 16, 2005

  
**LOUIS J. CASAREGOLA**  
**PRIMARY EXAMINER**

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).